IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1568 OF 2006

Ravindra Madhusudan Patade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.K.T.Thomas for Applicant.

Ms.S.D.Shinde, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 3, 2006.

P.C.

1. Heard Counsel for the parties. Perused the Application.

2. Applicant has been named as accused No.5 in relation to offence registered as C.R. No.191 of 2004 in Bandra Kurla Complex Police Station for offences punishable under Sections 419, 420, 465, 467, 468, 471, 511 read with 34 of the Indian Penal Code.

3. This is second bail application on merits by the present Applicant. First bail application preferred before this Court came to be rejected on February 11, 2005. The Applicant was thereafter released on temporary bail by order dated 23rd August 2005 which bail was availed by the Applicant on 6th December 2005. On expiry of the said term, prayer for extension of facility for temporary bail was made by the Applicant, which was rejected by me. Consequent thereto, the Applicant has surrendered on 21st March 2006 and is presently in Arthur Road Central Prison.

4. In this Application, it is stated that out of ten accused, eight accused have already been granted bail. It is only Applicant whose prayer for bail has been rejected by this Court. Besides, Counsel for the Applicant relies on the order passed in favour of accused Majeed Mohammed Shaikh and Bhaskar Mahadeo Patil by the Sessions Court and this Court respectively releasing them on bail. According to the Applicant, on parity, even the

Applicant should be released on bail.

5. Learned A.P.P., however, contends that the case of the prosecution as against Majeed Mohammed Shaikh and Bhaskar Mahadeo Patil cannot be equated with the allegation against the Applicant. Insofar as the Applicant is concerned, the Applicant was responsible for opening the account and depositing the entire amount in that account, which, however, has been seized by the prosecution.

6. In my opinion, having considered all the relevant aspects of the matter, in the interest of justice, the Applicant deserves to be enlarged on bail. This is so because the Applicant is in custody in relation to the alleged offence since August 2004 except for the period between 6th December 2005 till 21st March 2006 when he was released on temporary bail on the ground that his mother was unwell and was required to be provided medical aid. It is not in dispute that out of ten accused, eight accused have been granted bail. One accused is absconding. First charge-sheet came to

be filed on completion of investigation on 16th November 2004. The additional charge-sheet has been filed on 19th May 2005. More than one year has elapsed but the trial has not progressed. The trial will take some time. The Applicant has remained in jail for almost more than one and a half years. While the Applicant was on temporary bail, no untoward incident has been reported.

7. The Applicant is willing to abide by all the conditions that may be imposed by this Court including the stringent condition imposed in relation to accused released on bail by this Court under order dated 15th December 2004 in Criminal Application No.5383 of 2004 in the case of Vinod Pranlal Avlani. The Applicant is released on bail on same conditions as in the case of co-accused Vinod Pranlal Avlani (accused No.9), which are as follows:

(a) The Applicant be released on bail in connection with C.R.No.191/2004 registered with Bandra Kurla Complex Police Station on executing personal bond in the sum of

Rs.50,000/- (Rupees Fifty Thousand) with two local sureties in the like amount.

(b) The Applicant shall not tamper with the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(c) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial. If the Trial Court is of the opinion that the Applicant is in any way responsible for delay in disposal of the trial, that fact may be recorded in the roznama, which can be a ground for cancellation of bail.

(d) In addition, the Applicant shall report to the concerned Police Station between 5.00 p.m. and 7.00 p.m., once a week on Saturday till the trial commences. It will be open to the Applicant to apply for relaxing this condition after the

commencement of the trial.

(e) The Applicant shall not leave the jurisdiction of the Trial Court without prior permission of the Trial Court.

8. Application disposed of on the above terms.

A.M.KHANWILKAR, J.